

रजिस्टर्ड नं ० HP/13/SML/2000.



राजपत्र, हिमाचल प्रदेश

(असाधारण)

हिमाचल प्रदेश राज्य शासन द्वारा प्रकाशित

शिमला, सोमवार 18 दिसम्बर, 2000/27 अग्रहीय, 1922

हिमाचल प्रदेश सरकार

PANCHAYATI RAJ DEPARTMENT

NOTIFICATION

Shimla-171009, the 18th December, 2000

No. PCH-HA (1) 12/2000.—In exercise of the powers conferred under section 186 of the Himachal Pradesh Panchayati Raj Act, 1994 (Act No. 4 of 1994), the Governor of Himachal Pradesh, proposes to make the following rules further to amend the Himachal Pradesh Panchayati Raj (Election) Rules, 1994, published in Rajpatra, Himachal Pradesh, Extra-ordinary, dated the 8th February, 1995 *vide* Government notification No. PCH-HA (3) 6/94, and the same are hereby published in the Rajpatra of Himachal Pradesh (Extra-ordinary) for the information of the persons likely to be affected;

Any interested person who has any objection(s) suggestion(s) to the proposed amendment, may send the same to the Special Secretary (Panchayati Raj) to the Government of Himachal Pradesh, SDA Complex, Kasumpti, Shimla-171009, within a period of seven days from the date of publication of the proposed amendments in the Rajpatra, Himachal Pradesh.

The objection(s) or suggestion(s), if any, received within the period specified above shall be taken into consideration by the State Government before finalising these rules, namely:—

DRAFT RULES

1. Short title.—These rules may be called as the Himachal Pradesh Panchayati Raj (Election) Amendment Rules, 2000.

2. Amendment of rule 85.—In rule 85 of the Himachal Pradesh Panchayati Raj (Election) Rules, 1994 (hereinafter called the “said rules”),—

- (a) in sub-rule (1), the words “and for the election of Chairman and Vice-Chairman of Panchayat Samiti” shall be deleted;
- (b) after sub-rule (1), the following sub-rule (1-A), shall be added, namely:—

“(1-A). As soon as possible but not later than seven days after oath or affirmation of allegiance under rule (1) is administered or made, the Deputy Commissioner concerned or any other officer authorised by him in this behalf except Block Development Officer shall call under his presidentship a meeting of all elected members to elect one of its members to be the Chairman and another member to be the Vice-chairman of the Panchayat Samiti:

Provided that the State Government may, by general or special order, allow holding of meeting for the election of Chairman and Vice-Chairman under this sub-rule after one week but not later than one month from declaration of result of election of the elected members of the Panchayat Samiti under the following circumstances:—

- (i) if it is not possible to convene meeting within seven days due to natural calamities;
- (ii) if it is not possible or desirable to hold meeting within seven days due to severe law and order problem; and
- (iii) if the election results are declared more than fifteen days prior to the expiry of the duration of the existing Panchayats.”.
- (c) for sub-rule (5), the following shall be substituted, namely:—

“(5) There shall be no quorum required for the meeting convened for the purpose of oath or affirmation of allegiance under sub-rule (1). Quorum for meetings for the purposes of election of Chairman and Vice-Chairman under sub-rule (1-A) shall be two-third of the total elected members:

Provided that if the elections of the Chairman and the Vice-Chairman are not held in the first meeting convened under this rule for want of quorum, the second meeting may be convened within ten days from the date of first meeting and further again if the second meeting is also adjourned for want of quorum, the third meeting may be convened within ten days from the date of the second meeting. If the third meeting is also adjourned for want of quorum, fourth meeting may be convened within ten days from the third meeting and simultaneously action under clause (b) of sub-section (1) of section 131 of the Act shall be taken. Quorum for the fourth meeting shall be one-half of the total elected members.”.

3. Amendment of rule 86.—In rule 86 of the said rules,—

(a) in sub-rule (1), the words “and for the election of Chairman and Vice-Chairman of Zila Parishad” shall be deleted;

(b) after sub-rule (1), the following sub-rule (1-A), shall be added, namely:—

“(1-A). As soon as possible but not later than seven days after oath or affirmation of allegiance under rule (1) is administered or made, the Deputy Commissioner concerned shall call under his presidentship a meeting of all elected members to elect one of its members to be the Chairman and another member to be the Vice-Chairman of the Zila Parishad:

Provided that the State Government may, by general or special order, allow holding of meeting for the election of Chairman and Vice-Chairman under this sub-rule after one week but not later than one month from declaration of result of election of the elected members of the Zila Parishad under the following circumstances :—

- (i) if it is not possible to convene meeting within seven days due to natural calamities;
- (ii) if it is not possible or desirable to hold meeting within seven days due to severe law and order problem; and
- (iii) if the election results are declared more than fifteen days prior to the expiry of the duration of the existing Panchayats.”.

(c) For sub-rule (4), the following shall be substituted:—

“There shall be no quorum required for the meeting convened for purposes of oath or affirmation of allegiance under sub-rule (1). Quorum for the meetings for the purpose of election of Chairman and Vice-Chairman under sub-rule (1-A) shall be two-third of the total elected members:

Provided that if the elections of the Chairman and the Vice-Chairman are not held in the first meeting convened under this rule for want of quorum, the second meeting may be convened within 10 days from the date of first meeting and further again if the second meeting is also adjourned for want of quorum, the third meeting may be convened within ten days from the date of the second meeting. If the third meeting is also adjourned for want to quorum, fourth meeting may be convened within ten days from the third meeting and simultaneously action under clause (b) of sub-section (1) of section 131 of the Act shall be taken. Quorum for the fourth meeting shall be one-half of the total elected members.”.

By order,
Sd/-
Commissioner-cum-Secretary.

